

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18440. Telephone Advocacy.

For the purposes of Section 84310:

(a) A candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer organization “expends campaign funds” to pay for a telephone call if either of the following applies:

(1) A candidate or committee of the type listed on subdivision (a) makes an expenditure for the call reportable under Chapter 4 or 5 of the Act or a person makes a payment for the call at the behest of a candidate or committee of the type listed in subdivision (a) and that payment is a contribution to the candidate or the committee under Section 82015.

(2) A slate mailer organization pays for the call after receiving a payment to make the call that qualifies as an expenditure of campaign funds by a candidate or committee under subdivision (a)(1) of this regulation.

(b) A required disclosure statement must identify at least one candidate, committee of the type listed in subdivision (a), or slate mailer organization “paying for” the call or at least one candidate or committee of the type listed in subdivision (a) “authorizing” the call and must state that the call is “paid for” or “authorized” by the identified candidate, committee, or slate mailer organization.

(c) For purposes of subdivision (b) of this regulation:

(1) A candidate, committee of the type listed in subdivision (a), or slate mailer organization “pays for” a call when it pays directly for the call or pays another person to make the call on its behalf.

(2) A candidate or committee of the type listed in subdivision (a) “authorizes” a call if a person pays for the call at the behest of the candidate or committee under Section 82015.

(d) Each candidate, committee of the type listed in subdivision (a), or slate mailer organization paying for and each candidate and committee of the type listed in subdivision (a) authorizing a call requiring a disclosure statement must maintain a record of the script of the call, and a copy of the recording of any recorded messages, for a period of time as set forth in Regulation 18401(b).

(e) This regulation is not applicable to a telephone call that is paid for by an independent expenditure.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84310, Government Code.

HISTORY

1. New section filed 9-11-2007; operative 10-11-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2007, No. 37).

2. Amendment filed 2-13-2018; operative 3-15-2018 pursuant to title 2, section 18312(e)(1)(A) of the California Code of Regulations. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2018, No. 7).

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